

1988 No. 2160 (L.29)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) (No. 5) Rules 1988

<i>Made - - - -</i>	<i>8th December 1988</i>
<i>Laid before Parliament</i>	<i>13th December 1988</i>
<i>Coming into force</i>	<i>5th January 1989</i>

We, the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1) and 86 of the Supreme Court Act 1981(a) and section 32(4) of the Criminal Justice Act 1988(b), hereby make the following Rules:-

1. These Rules may be cited as the Crown Court (Amendment) (No. 5) Rules 1988 and shall come into force on 5th January 1989.

2. The Crown Court Rules 1982(c) shall be amended by inserting after rule 23 the following rule:-

“Evidence through television link where witness is under 14

23A.—(1) Any party may apply for leave under section 32(1) of the Criminal Justice Act 1988 for evidence to be given through a live television link by a witness who is under the age of 14 and where the offence charged is specified in section 32(2).

(2) An application under paragraph (1) shall be made by giving notice in writing, which shall be in the form prescribed in Schedule 5 or a form to the like effect.

(3) An application under paragraph (1) shall be made within 28 days after the date of the committal of the defendant or, as the case may be, of the consent to the preferral of a bill of indictment in relation to the case.

(4) The notice under paragraph (2) shall be sent to the appropriate officer of the Crown Court and at the same time a copy thereof shall be sent by the applicant to every other party to the proceedings.

(5) A party who receives a copy of a notice under paragraph (2) and who wishes to oppose the application shall within 14 days notify the applicant and the appropriate officer of the Crown Court, in writing, of his opposition, giving the reasons therefor.

(6) An application under paragraph (1) shall be determined by a judge of the Crown Court without a hearing, unless the judge otherwise directs, and the appropriate officer of the Crown Court shall notify the parties of the time and place of any such hearing.

(7) The appropriate officer of the Crown Court shall notify all the parties of the decision of the Crown Court in relation to an application under paragraph (1) and, where leave is granted, the notification shall state-

(a) 1981 c.54.

(b) 1988 c.33.

(c) S.I. 1982/1109, to which there are amendments not relevant to these Rules.

- (a) where the witness is to give evidence on behalf of the prosecutor, the name of the witness, and, if known, the name, occupation and relationship (if any) to the witness of the person who is to accompany the witness and,
- (b) the location of the Crown Court at which the trial should take place.

(8) The period of 28 days in paragraph (3) may be extended, either before or after it expires, on an application made in writing, specifying the grounds of the application and sent to the appropriate officer of the Crown Court, and a copy of the application shall be sent by the applicant to every other party to the proceedings. The appropriate officer of the Crown Court shall notify all the parties of the decision of the Crown Court.

(9) An application for extension of time under paragraph (8) shall be determined by a judge of the Crown Court without a hearing unless the judge otherwise directs.

(10) A witness under the age of 14 shall, when giving evidence through a television link, be accompanied by a person acceptable to a judge of the Crown Court and, unless the judge otherwise directs, by no other person."

3. The Crown Court Rules 1982 shall be further amended by adding the following new Schedule—

“SCHEDULE 5



Notice of Application for leave to use television link where witness is under the age of 14, under Section 32(1)(b) of the Criminal Justice Act 1988

- An application should be made within **28 days** after the day on which the case was committed for trial or of consent to the preferral of a bill of indictment in relation to the case. This form may also be used where an extension of time has been granted for the making of this application.
- A copy of this form must be given at the same time to the other party or parties to the case.

Case Details

The Crown Court at

Crown Court Case Number:

*delete as appropriate

Date of: committal for trial* :
consent to preferral of bill of indictment* :

State the name(s) of the defendant(s) to whom this application relates

Defendant(s): Surname:

Forenames:

Application

Name of Applicant:

Name of Applicant's Solicitor:

Address of Solicitor:

Reference:

Give brief details of those charges to which this application applies

Charges

Note:
An application by the defence for evidence to be given through live television link need not disclose who that witness is except to the extent that disclosure is required by Section 11 of the Criminal Justice Act 1967 (alibi) nor need it disclose the name of the person proposed to accompany the witness if this could lead to the identification of the witness.

Witness

- Please read the **Note** beside this section before completing it.

Date of Birth:

If the Applicant is the prosecutor enter the name of the witness (otherwise leave blank):

Name of the person who is proposed to accompany the witness:

Occupation of this person:

Relation to the witness of this person:

Grounds for applying

Signature of applicant
or
applicant's solicitor

Date

*Mackay of Clashfern, C.
Lane, C.J.
Stephen Brown, P.
Richard Rougier, J.
Douglas Brown
Richard Lowry
Michael McKenzie
M. J. Langton
David Jeffreys
Michael Kalisher
L. Naylor
S.T. Hammond*

8th December 1988

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982 so as to provide for applications under section 32(1)(b) of the Criminal Justice Act 1988 (evidence through television links witness under 14).

85p net

ISBN 0 11 088160 5